

**EXHIBIT 1 TO OPPOSITION TO MOTIONS AT  
DOCKETS 211, 221, 225 AND 227**

<b>Witness</b>	<b>Objection</b>	<b>Response/Statutory Factor</b>
Adams, Sr., Bert	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> <li>• Subsistence resources &amp; drinking water at Kivalina Not Relevant to liability</li> </ul>	<p>Seriousness (significance of violations; harm to health and environment);</p> <p>Such other matters as justice may require</p> <p>Rebut Plaintiffs' liability testimony</p>
Andrews, Gene	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> </ul>	<p>Seriousness of the violation</p> <p>Economic Benefit</p> <p>History of violations</p> <p>Good faith efforts to comply with permit requirements</p> <p>Such other matters as justice may require</p>
Arnold, Scott	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	<p>Seriousness (significance of violations; harm to health and environment);</p> <p>Good-faith efforts to comply;</p> <p>Such other matters as justice may require</p>
Barkey, Sue	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Lab protocols Not Relevant under strict liability regime</li> <li>• Explanation of effluent analysis etc Not Relevant-reports speak for selves</li> </ul>	<p>Seriousness of the violation</p> <p>Economic Benefit</p> <p>History of violations</p> <p>Good faith efforts to comply with permit requirements</p> <p>Such other matters as justice may require</p> <p>Whether ongoing</p> <p>Alleged exceedances</p> <p>Explain DMR's and supporting documents</p>
Barr, Rose	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	<p>Seriousness (significance of violations; harm to health and environment);</p> <p>Good-faith efforts to comply;</p> <p>Economic impact of penalty;</p> <p>Such other matters as justice may require</p>

<b>Witness</b>	<b>Objection</b>	<b>Response/Statutory Factor</b>
Booth, Gerry	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Such other matters as justice may require
Booth, Roland	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Conditions at Kivalina and near Mine Not Relevant</li> <li>Subsistence resources &amp; drinking water at Kivalina and NANA's work Not Relevant to liability</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Economic impact of penalty; Such other matters as justice may require Rebut Plaintiffs' liability testimony
Booth, Theodore	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Such other matters as justice may require Rebut Plaintiffs' liability testimony
Botz, Mike	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>WAD cyanide testimony is Not Relevant</li> <li>Explanation of permit violations is Not Relevant due to strict liability</li> <li>Teck Cominco not appeal Total Cyanide method so invalidity or inferiority Not Relevant</li> </ul>	Seriousness of the violation Economic benefit History of violations The good faith efforts to comply with permit requirements Such other matters as justice may require Compliance standards Permit requirements
Bozek, JoAnne	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> </ul>	Financial impact of penalty Economic Benefit The good faith efforts to comply with permit requirements Such other matters as justice may require
Brix, Kevin	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Water quality assessments &amp; toxicological issues re effluent Not Relevant to liability phase</li> </ul>	Seriousness of the violation History of violations The good faith efforts to comply with permit requirements Such other matters as justice may require Compliance with permit

Witness	Objection	Response/Statutory Factor
Brown, Gerry	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness of the violation History of violations The good faith efforts to comply with permit requirements Such other matters as justice may require
Brown, Richard	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• No violations involve auto-monitoring equipment or in-stream conductivity</li> <li>• Not Relevant</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic benefit History of violations The good faith efforts to comply with permit requirements Such other matters as justice may require Alleged exceedances Excused non-compliance Compliance with permit
Capps, Stan	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Testing methodology &amp; lab procedures Not Relevant due to strict liability</li> <li>• Labs are evidence &amp; speak to selves</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Whether ongoing Alleged exceedances Explain DMR's and supporting documents
Chapman, Peter	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Vague</li> <li>• Test results are best evidence</li> <li>• No place for testimony re toxicology or effect of effluent on fish in liability phase</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require

Witness	Objection	Response/Statutory Factor
Chun, Eva	<ul style="list-style-type: none"> <li>• Regulatory action and information re mine operations Not Relevant to liability</li> <li>• Opinions re regulatory standards Not Relevant</li> <li>• COBC's speak for selves in proving violations</li> <li>• Evaluation of CWA is w/in ambit of court</li> </ul>	Seriousness of the violation History of violations Such other matters as justice may require Compliance standards Permit & COBC requirements Whether ongoing
Clark, Jeffrey	<ul style="list-style-type: none"> <li>• Environmental management, mineralization or water balance not at issue, Not Relevant</li> </ul>	Whether ongoing Permit compliance
Cohon, Keith	<ul style="list-style-type: none"> <li>• Regulatory action and information re mine operations Not Relevant to liability</li> <li>• COBC's speak for selves in proving violations</li> <li>• Evaluation of CWA is w/in ambit of court</li> </ul>	Seriousness of the violation History of violations Such other matters as justice may require Compliance standards Permit & COBC requirements Whether ongoing
Collins, Kathleen	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> </ul>	Seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations); Good-faith efforts to comply; Such other matters as justice may require
Coulter, Gary	<ul style="list-style-type: none"> <li>• Environmental management, mineralization or water balance not at issue, Not Relevant</li> </ul>	Whether ongoing Permit compliance
Dau, Jim	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require

Witness	Objection	Response/Statutory Factor
Day, Steven	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Mine Processes and Water Treatment Systems Not Relevant</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require
DeCicco, Fred	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require
DeForest, David	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Lab Personnel Testimony Not Relevant</li> <li>History of WET testing &amp; excursions of parameters Not Relevant to liability</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require
Driver, Philip	<ul style="list-style-type: none"> <li>No statutory penalty factor</li> <li>Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require
Dryden, James	<ul style="list-style-type: none"> <li>No violations involve field monitoring equipment (rather effluent) so Not Relevant</li> <li>Testimony re Teck Cominco's commitment is Not Relevant</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Whether ongoing Permit compliance

Witness	Objection	Response/Statutory Factor
Echter, Anna	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• No claims involve conductivity testing, Not Relevant</li> <li>• WET reports in evidence are best evidence</li> </ul>	Seriousness of the violation History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Alleged exceedances Permit compliance Whether ongoing
Eide, Steven	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Test protocols, hold time logistics, etc. Not Relevant to liability</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Whether ongoing Alleged exceedances Explain DMR's and supporting documents
Greene, Chuck	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Economic impact of penalty; Such other matters as justice may require
Hall, Wayne	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Reasons or explanations for violations are Not Relevant to Liability</li> <li>• Red Dog policies &amp; procedures Not Relevant to Liability</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require Alleged exceedances Permit compliance

<b>Witness</b>	<b>Objection</b>	<b>Response/Statutory Factor</b>
Hawley, Raymond	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Such other matters as justice may require
Hingsbergen, Chuck	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Explanations of issues involving port have no bearing on strict liability</li> <li>• TSS testimony not relevant as SJ previously granted</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require Alleged port exceedances Permit compliance
Horner, Greg	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• No E&amp;E studies in evidence</li> <li>• Testimony Not Relevant</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require
Houghton, Jon	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Such other matters as justice may require
Huckstein, Lynda	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> </ul>	Seriousness of the violation History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require
Johnson, Lee	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require

Witness	Objection	Response/Statutory Factor
Kelly, Karen	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require
Key, John	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Feasability of treatment options Not Relevant</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require
Koon, Ed	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Explanations have no bearing on strict liability and are Not Relevant</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require Alleged port exceedances Permit compliance
Kuit, Walter	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Impact of remedy



Witness	Objection	Response/Statutory Factor
Kulas, Jim	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Limit testimony re maintenance of water balance, policies &amp; procedures, history of waste water permitting &amp; efforts to comply as Not Relevant to liability</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require Procedures incorporated in permit Permit compliance Whether ongoing Alleged exceedances
Lackey, Kevin	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Not show how relate to actual issues of liability</li> <li>• Issues re lab no bearing on liability, Not Relevant</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Permit compliance Alleged exceedances
Lacouture, Brigitte	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> </ul>	Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require

Witness	Objection	Response/Statutory Factor
Lundberg, Jackie	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Vague description</li> <li>• TIE/TRE Not Relevant to proving violation</li> <li>• Explanations have no bearing on strict liability, Not Relevant</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require Alleged port exceedances Permit compliance
Malone, Keith	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Explanations of involvement in violations have not bearing on strict liability, Not Relevant</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require Alleged exceedances Permit compliance Procedures incorporated in permit
Martinisko, John	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Explanations have no bearing on strict liability, Not Relevant</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Economic effect of penalty Such other matters as justice may require Permit compliance Procedures incorporated in permit Alleged exceedances

<b>Witness</b>	<b>Objection</b>	<b>Response/Statutory Factor</b>
Middaugh, John	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	<p>Seriousness (significance of violations; harm to health and environment);</p> <p>Good-faith efforts to comply;</p> <p>Such other matters as justice may require</p>
Mitchell, Gretchen	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• No claims involve conductivity testing, Not Relevant</li> <li>• WET reports in evidence are best evidence</li> </ul>	<p>Seriousness of the violation</p> <p>History of violations</p> <p>Good faith efforts to comply with permit requirements</p> <p>Such other matters as justice may require</p> <p>Alleged exceedances</p> <p>Permit compliance</p> <p>Whether ongoing</p>
Napier, Robert	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Explanations of factual events has no bearing on strict liability, Not Relevant</li> </ul>	<p>Seriousness of the violation</p> <p>Economic Benefit</p> <p>History of violations</p> <p>Good faith efforts to comply with permit requirements</p> <p>Economic effect of penalty</p> <p>Such other matters as justice may require</p> <p>Permit compliance</p> <p>Alleged exceedances</p>
Ott, Alvin	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> <li>• Not Relevant to liability phase</li> </ul>	<p>Seriousness (significance of violations; harm to health and environment);</p> <p>Good-faith efforts to comply;</p> <p>Such other matters as justice may require</p> <p>Rebut Plaintiffs' liability testimony</p>
Overpeck, Carl	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> </ul>	<p>Seriousness of the violation</p> <p>Such other matters as justice may require</p>
Pannone, Steven	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	<p>Seriousness (significance of violations; harm to health and environment);</p>

Witness	Objection	Response/Statutory Factor
Patton, Kent	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Lab reports themselves best evidence, testimony Not Relevant to liability</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Whether ongoing Alleged exceedances Explain DMR's and supporting documents
Paulsen, Craig	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require
Peterson, Larry	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment);
Pillard, David	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Test result best evidence in &amp; of itself</li> <li>• Methodologies &amp; procedures Not Relevant to liability once violation reported in DMR</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Permit compliance Alleged exceedances Explain DMR's and supporting documents

Witness	Objection	Response/Statutory Factor
Prieve, Mike	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Lab procedures Not Relevant to liability once violation reported in DMR</li> </ul>	Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Whether ongoing Alleged exceedances Explain DMR's and supporting documents
Rense, John	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Economic impact of penalty; Such other matters as justice may require
Sampson, Walter	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Economic impact of penalty; Such other matters as justice may require
Sandvik, Helvi	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Economic impact of penalty; Such other matters as justice may require

Witness	Objection	Response/Statutory Factor
Schierman, Mike	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> <li>• Weather conditions Not Relevant to liability, permit violations or question of ongoing</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic benefit History of violations The good faith efforts to comply with permit requirements Such other matters as justice may require Alleged exceedances Permit compliance Legally excused non-compliance
Sheldon, Robert	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment; duration of non-compliance; history of violations); Good-faith efforts to comply; Economic benefit; Economic impact of penalty; Such other matters as justice may require
Shock, Scott	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment);
Sonafrank, Nancy	<ul style="list-style-type: none"> <li>• Testimony re water quality standards &amp; aquatic life criteria &amp; use of WAD is Not Relevant</li> <li>• Opinions of state official on contents or requirements of federal permit is Not Relevant to Liability</li> </ul>	Seriousness of the violation Good faith efforts to comply with permit requirements Permit requirements Permit compliance
Stambaugh, Sharmon	<ul style="list-style-type: none"> <li>• Opinions of state official on contents or requirements of federal permit &amp; compliance is Not Relevant to Liability</li> </ul>	Seriousness of the violation Good faith efforts to comply with permit requirements Permit requirements Permit compliance

Witness	Objection	Response/Statutory Factor
Stanoway, Mike	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• Testimony re surveys Not Relevant to liability</li> <li>• Test reports serve as best evidence</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Whether ongoing Alleged exceedances Explain DMR's and supporting documents
Stubblefield, William	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• WET broad topic</li> <li>• Test reports serve as best evidence</li> <li>• Testimony re tests Not Relevant</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Whether ongoing Alleged exceedances Explain DMR's and supporting documents
Thomas, Kevin	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> </ul>	Economic impact of penalty; Such other matters as justice may require
Thompson, Mark	<ul style="list-style-type: none"> <li>• Limit testimony re maintenance of water balance, policies &amp; procedures, history of waste water permitting &amp; efforts to comply as Not Relevant to liability</li> </ul>	Testify on challenged subjects will be offered only at liability phase only to extent necessary to explain liability issues
Thorton, George	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> </ul>	Economic impact of penalty Good-faith efforts to comply; Such other matters as justice may require

Witness	Objection	Response/Statutory Factor
Townsend, Al	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require
Tsuji, Joyce	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Conditions at Kivalina and near Mine Not Relevant</li> <li>• Not adequately specific</li> <li>• Human health &amp; drinking water in Wulik River Not Relevant to Liability phase</li> <li>• No showing Relevance of work performed by Exponent</li> <li>• Expert reports not discussion violations or their ongoing nature</li> </ul>	Subjects properly disclosed Seriousness (significance of violations; harm to health and environment); Lack of cyanide in Teck Cominco's effluent Permit compliance Rebut Plaintiffs' liability testimony
Weakley, Jason	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Lab Personnel Testimony Not Relevant</li> <li>• General and broad description</li> <li>• Testimony re chemistry &amp; treatment of water Not Relevant to ongoing nature of violations</li> </ul>	Subjects properly disclosed Seriousness of the violation Economic Benefit History of violations Good faith efforts to comply with permit requirements Such other matters as justice may require Permit compliance
Weaver, Jeff	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> </ul>	Economic Benefit Good faith efforts to comply with permit requirements Such other matters as justice may require Impact of remedy
Weber-Scannell, Phyllis	<ul style="list-style-type: none"> <li>• Conditions at Kivalina and near Mine Not Relevant</li> </ul>	Seriousness (significance of violations; harm to health and environment); Good-faith efforts to comply; Such other matters as justice may require



Witness	Objection	Response/Statutory Factor
Willman, Kathleen	<ul style="list-style-type: none"> <li>• Not sufficiently specific</li> <li>• Unaware of definition of “water balance issues”</li> <li>• Water balance issues Not Relevant to liability</li> </ul>	Subjects properly disclosed Seriousness of the violation Good faith efforts to comply with permit requirements Such other matters as justice may require Impact of remedy
Zigarlick, Ted	<ul style="list-style-type: none"> <li>• No statutory penalty factor</li> <li>• Mine Processes and Water Treatment Systems Not Relevant</li> </ul>	Economic benefit Good faith efforts to comply with permit requirements Such other matters as justice may require Impact of remedy